IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7151 OF 2005

Mepro Pharmaceuticals Pvt. Ltd. .. Petitioner
v/s.
The Union of India & ors. .. Respondents

Mr.Prakash Shah i/by M/s.PDS Legal for petitioner.

Mr.Chetan Kapadia for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 23rd November 2005

P.C. :

1. Heard Mr.Shah in support of this Petition. Mr.Kapadia appears for the respondents.

2. The order dated 20th December 2004 passed by the Assistant Commissioner of Central Excise, Surendranagar, was challenged by the petitioner by filing an Appeal to the Customs, Excise and Service Tax Appellate Tribunal. The Tribunal declined to grant stay. However, since that order was an ex-parte order, it was recalled. The petitioner was heard and another order was passed on 15th September 2005, whereby a pre-deposit of 50% has been directed.

3. Mr.Shah appearing for the petitioner points out that no reasons are given for insisting

on 50% pre-deposit. Reasons are mandatory. Mr.Kapadia appearing for the respondents, therefore, leaves it to the Court to pass appropriate orders.

4. In the circumstances, we issue Rule on this Petition. Rule is made returnable forthwith. Mr.Kapadia waives service for the respondents. Both the Counsel are heard and their submissions are noted as above.

5. For the reasons stated hereinabove, the order dated 15th September 2005 is quashed and set aside. The Stay Application is restored to the file of the Tribunal. The Tribunal is expected to hear and decide the same by giving reasons.

6. Rule is made absolute as above. No order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)